



STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:	)	Docket HWCA 99/00-2003
	)	
	)	
Chemical Waste Management, Inc.)	)	CONSENT ORDER
35251 Old Skyline Road	)	
Kettleman City, California 93239)	)	Health and Safety Code
EPA ID No. CAT000646117	)	Section 25187
	)	
Respondent.	)	
	)	

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The State Department of Toxic Substances Control  
(Department) and Chemical Waste Management, Inc., (Respondent)  
enter into this Consent Order and agree as follows:

1. Respondent generates, handles, treats, stores,  
and/or disposes of hazardous waste at 35251 Old Skyline Road,  
Kettleman City, California 93239.
2. The Department alleges the following violations:
  - 2.1 The Respondent Violated California Code of  
Regulations, Title 22, Section 66264.143(e)(9) in that on or  
about March 31, 1999, Chemical Waste lowered their closure  
financial assurance without written approval from the Department.
3. A dispute exists regarding the alleged violations.
4. The parties wish to avoid the expense of  
litigation and to ensure prompt compliance.
5. Jurisdiction exists pursuant to Health and Safety  
Code (HSC) section 25187.
6. Respondent waives any right to a hearing in this  
matter.

7. This Consent Order shall constitute full settlement of the violations alleged above, but does not limit the Department from taking appropriate enforcement action concerning other violations.

8. Admissions: Respondent does not admit the violations alleged above, except as follows: Respondent admits the facts alleged above for the purposes of any subsequent action brought pursuant to the Hazardous Waste Control Law, Health and Safety Code Section 25100 et seq., within 5 years of the date the violations occurred.

#### SCHEDULE FOR COMPLIANCE

9. Respondent complied with the following:

9.1 Respondent submitted the necessary documents on March 21, 2000, a corrected DTSC Form 1158 showing the closure cost estimate and financial assurance at the previous amount with an adjustment for inflation.

9.2 Liability: Except as provided in Paragraph 7 above, nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent. Notwithstanding compliance with the terms of this Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

9.3. Site Access: Access to the site shall be provided at all reasonable times to employees, contractors, and consultants of the Department, and any agency having

jurisdiction. Nothing in this Order is intended to limit in any way the right of entry or inspection that any agency may otherwise have by operation of any law. The Department and its authorized representatives shall have the authority to enter and move freely about all property at the Site at all reasonable times for purposes including but not limited to: inspecting records; operating logs, and contracts relating to the Site; reviewing the progress of Respondent in carrying out the terms of the Order; and conducting such tests as the Department may deem necessary. Respondent shall permit such persons to inspect and copy all records, documents, and other writings, including all sampling and monitoring data, in any way pertaining to work undertaken pursuant to this order.

#### PAYMENTS

10. Within 30 days of the effective date of this Consent Order, Respondent shall pay the Department a total of \$5,000.00, of which \$0.00 is a penalty and \$5,000.00 is reimbursement of the Department's costs. Respondent's check shall be made payable to Department of Toxic Substances Control, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control  
Accounting Office  
400 P Street, 4th Floor  
P.O. Box 806  
Sacramento, California 95812-0806

A photocopy of the check shall be sent:

To: Douglas Hohman, Senior Hazardous Substances Scientist  
Statewide Compliance Division  
Northern California Branch  
Department of Toxic Substances Control  
10151 Croydon Way, Suite 3  
Sacramento, California 95827

To: Office of Legal Counsel  
Department of Toxic Substances Control  
400 P Street, 4th Floor  
P. O. Box 806  
Sacramento, California 95812-0806

If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to HSC § 25360.1 and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

#### OTHER PROVISIONS

11.1. Penalties for Noncompliance: Failure to comply with the terms of this Consent Order may subject Respondent to civil penalties and/or any costs incurred by the Department or other government agencies as a result of such failure, as provided by HSC section 25188 and other applicable provisions of law.

11.2. Parties Bound: This Consent Order shall apply to and be binding upon Respondent and its officers, directors, agents, receivers, trustees, employees, contractors, consultants, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Consent Order.

11.3. Effective Date: The effective of this Consent Order is the date it is signed by the Department.

11.4. Integration: This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as agreed in writing by the parties.

11.5. Compliance with Waste Discharge Requirements: Respondent shall comply with all applicable waste discharge requirements issued by the State Water Resources Control Board or a California Regional Water Quality Control Board.

Dated: December 18, 2000

Original signed by Paul E. Turek  
Signature of Respondent's  
Representative

Dated: \_\_\_\_\_

\_\_\_\_\_  
Typed or Printed Name and  
Title of Respondent's  
Representative

Dated: January 02, 2001

Original signed by Douglas Hohman  
Douglas Hohman, Senior Hazardous  
Substances Scientist

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